

## REMARKS

The Office Action dated January 2, 2009, has been received and carefully considered. The above amendments and the following remarks are submitted in response thereto.

Claim 12 is amended and new Claim 24 is added. Claim 13 is cancelled and incorporated into Claim 12. Thus, Claims 12 and 14-24 are pending in this application. Please note that the addition of Claim 24 does not introduce new matter since it discloses the same limitation of Claim 12 and technical features disclosed in the Specification on page 6, lines 33-37.

### Claim Rejections - 35 U.S.C. §103

Claims 12-18, 20, 21, and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Romagnoli (U.S. Patent No. 4,437,294, hereinafter "Romagnoli") in view of Rossi (U.S. Patent No. 4,747,250, hereinafter "Rossi"). The Applicant respectfully traverses the Examiner's objection.

However, in order to try to obtain a positive prosecution of the present application, Applicant has amended the set of claims. In particular, Claim 12 has been amended specifying that each piston is rotatably mounted on the revolving drum for continuously rotating about said respective axis as they move round the entire circular path. Therefore, in the meantime the drum rotates and the pistons move radially, the latter also rotate about their respective axis.

As the Examiner stated, Romagnoli does not disclose the use of a tamping device and a reciprocating piston which rotates about a reciprocating axis. Rossi shows a forming

mechanism comprising a tamper mechanism moving along a reciprocating axis and a rotating rod, which rotates around a reciprocating axis of the tampered device.

Please note that amended Claim 12 now recites that each piston rotates continuously about its respective axis as the drum revolves around the circular path.

Moreover the pistons move radially while the drum rotates.

Rossi does not show, or disclose or suggest such feature. Rossi teaches the use of a tamper device which provides only a single piston (aligned with other working pistons) which can rotate around its axis for compacting the product and which remains always in its position. Rossi does not suggest a device in which every piston can rotate about its respective axis.

In Rossi every piston has a different task. In the present invention all the pistons have the same function and do, in sequence, the same working steps. Therefore, even if the skilled man tried to combine Rossi with Romagnoli, he could not reach the claimed solution since none of the prior art document shows or suggests a drum having a plurality of revolving pistons which rotate continuously about their respective axis while the drum revolves.

With respect to Claim 23, neither Romagnoli nor Rossi disclose an arc-shaped wall round the outer surface of the revolving drum defining a tamping surface opposite to the impression of the pistons in a part of the circular path or each piston being movable along the respective axis towards the arc-shaped wall for compressing the infusion product included into the impressions against the tamping surface.

New Claim 24 contains the same limitation of Claim 12 and moreover it discloses structural features of the rotational drive means which acts on the piston and which

produces the rotation of each piston. None of the cited prior art documents shows such a structural feature, that is rotational drive means located on the drum and comprising a fixed ring gear mounted inside the drum and meshed with corresponding gear wheels keyed to a respective cylinder of each piston so that the pistons revolve continuously as they move round the circular path. Therefore Claim 24 is new and inventive.

In view of the above, Claims 12, 23, and 24, as well as Claims 14 - 18, 20, 21 are inventive over Romagnoli in view of Rossi.

Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Romagnoli in view of Mattos (U.S. Patent No. 2,684,186, hereinafter "Mattos").

Claim 19 depending on Claim 12 includes all the limitations of Claim 12. Mattos does not cure the deficiencies of Romagnoli (or of Rossi). Consequently, Claim 19 is also considered allowable.

Claim 22 is rejected under 35 U.S.C. §103(a) as being unpatentable over Romagnoli in view of Lofman et al. (U.S. Patent No. 6,135,120, hereinafter "Lofman").

Claim 22 depending on Claim 12 includes all the limitation of Claim 12. Lofman does not cure the deficiencies of Romagnoli (or of Rossi). Consequently, Claim 22 is also considered allowable.

In view of the above remarks, it is respectfully requested that the objections under 35 U.S.C. §103 be withdrawn.

## **Conclusion**

The Applicant respectfully submits that present Claims 12, 23, and 24 are allowable. Claims 14-22 depend (directly or indirectly) upon independent Claim 12. The Applicant further submits that each of these dependent claims incorporates the patentable aspects thereof, and is therefore allowable for at least the same reasons as discussed above. Accordingly, the Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. §103, allowance of Claims 12 and 14-24 and the prompt issuance of a Notice of Allowance.

The prior art made of record but not applied by the Examiner has been carefully considered but is submitted to be less relevant than the references previously discussed.

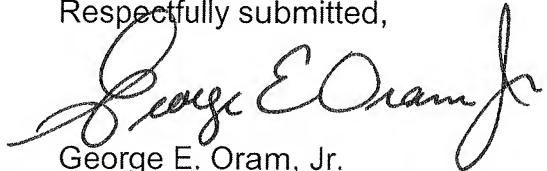
Applicant's counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

Applicant respectfully submits that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

Application Number: 10/566,475  
Attorney Docket Number: 023349-00313

In the event that this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 023349-00313.

Respectfully submitted,



George E. Oram, Jr.  
Registration Number 27,931

Customer Number 004372  
ARENT FOX LLP  
1050 Connecticut Avenue, NW  
Suite 400  
Washington, DC 20036-5339  
Telephone: 202-857-6000  
Fax: 202-638-4810

GEO:vmh

Application Number: 10/566,475  
Attorney Docket Number: 023349-00313